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SUBJECT: GBRV STILL IGNORING EU AND OAS ELECTORAL
RECOMMENDATIONS

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Classified By: POLITICAL COUNSELOR FRANCISCO FERNANDEZ,
REASON 1.4 (D)

¶1. (C) Summary: The Government of the Bolivarian Republic of Venezuela (GBRV) continues to ignore key recommendations issued by previous European Union (EU) and Organization of American States (OAS) election observation missions, thus skewing the electoral playing field to the GBRV's advantage. Both missions visited Venezuela at the invitation of the National Electoral Council (CNE) and certified the 2005 legislative and 2006 presidential elections as free and fair. Nevertheless, they also urged the Chavez administration to encourage greater transparency in the voting rolls and campaign financing, curb media abuses, and amend legal incongruities. Opposition and small pro-Chavaz parties continue to criticize these problems in the run-up to the November 23 state and local elections, but are reluctant to be too outspoken for fear of promoting voter distrust of the electoral system. No formal multilateral electoral observation missions will observe the upcoming state and local elections. End Summary.

ELECTORAL OBSERVATION MISSIONS

¶2. (C) At the invitation of the CNE, the OAS and EU sent election observation missions to monitor Venezuela's December 2006 presidential and 2005 legislative elections. Both missions issued similar broad recommendations. The GBRV invited electoral officials from Latin America and selected a small number of international "friends" to observe balloting in the 2007 constitutional referendum. Although some of these visitors made comments to the local media, they released no formal reports. There are no formal multilateral election observation missions coming to observe Venezuela's November 23 state and local elections, although the GBRV will likely invite "friendly" observers to be present on voting day. Embassy plans to conduct informal election observation in Caracas and six states with Mission personnel, similar to such efforts in 2005 and 2006.

ELECTORAL REGISTRY NOT TRANSPARENT

¶3. (C) Critics claim that the national voter registry (REP) has been inflated with the registration of non-residents, many of them Colombian, owing to a mass government-led drive from May to July 2004 that registered over one million voters. The REP cannot be transparently cross-checked with

the Civil Registry and the proportion of eligible voters -- 64 percent of the total population -- is unusually high for a developing country with a large portion of the population under the age of 18. However, it is possible that the number reflects voters who are deceased, since relatives are legally required to present evidence of a voter's death in order to remove them from the REP. Although the CNE claims it has expunged a total of 110,413 deceased individuals from the REP, the CNE has never permitted a comprehensive, independent audit of the REP.

¶4. (C) The issues of voter migration and gerrymandering have remained key issues, despite being raised in detail by the EU report. Venezuela uses a mixed election system that selects part of its National and state assembly seats by first-past-the-post (plurality/majority) system, and elects the other part from closed party lists based on proportionality. For the latter, the electoral constituencies are the 24 states themselves, and in the former, there are 81 constituencies revised annually depending on the population. The opposition has claimed in the past that the GBRV has shifted the 81 constituencies in a gerrymandering effort to favor the Chavistas, which is exacerbated by organized movements of registered people from one electoral district to another, known as migration. A number of opposition candidates and even small pro-government parties have complained to the CNE about alleged migrations in Tachira, Zulia, Guarico, Trujillo, and Portuguesa states, alleging as many as 25 percent of voters had migrated in some regions.

¶5. (C) The EU mission noted with concern the potential for misuse of digital finger-scanning machines (captahuellas), which are intended to prevent voter fraud. In theory, the commission assessed that they could be misused by CNE

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officials to determine the votes cast by each voter -- a possibility heavily criticized by the opposition. In reality, they have been selectively placed at polling centers in areas that favored the opposition, a low-tech intimidation ploy that contributed to long delays and lines that discouraged potential voters. In 2006, columnist Miguel Octavio Vegas pointed out that the machines would require at least 25 to 40 hours to verify that there was only "one voter, one vote," a delay that renders them largely useless given the rapid turnaround time of vote counts. There has been no indication that the CNE plans to eliminate their targeted usage in November.

MEDIA POLARIZED, MISUSED

¶6. (C) Both the OAS and EU electoral observation missions criticized the media for presenting "emotive" political material in 2006 that was "incompatible with the journalistic principles of impartiality and balance," an assessment that remains accurate today. All major media outlets show significant editorial bias either favoring the government or the opposition, and several complaints have been lodged with the CNE that state-owned and pro-opposition TV stations are giving disproportionate coverage to their preferred candidates and violating the CNE's regulations on equal campaign coverage. The GBRV removed RCTV, the last opposition-oriented free-to-air broadcaster, from the air in May 2008. RCTV-International continues to broadcast on cable and, along with Globovision, remains opposition-oriented. State-owned television broadcasters, however, do not just show bias, but ignore opposition campaigns completely.

¶7. (C) Using images of state and regional officials for campaign purposes is illegal, but remains in wide usage particularly by the PSUV -- Chavez's image is evident in virtually all major PSUV state and local campaigns. The CNE did little in 2006 to sanction the widespread violation of

these regulations, claiming that they had received a relatively small number of complaints. This has become a bigger issue in 2008, and the CNE has shown some willingness to undertake token investigations. On October 20, the CNE announced that it would look into charges that PSUV gubernatorial candidate for Zulia state Giancarlo Di Martino had exceeded the campaign advertising limits -- accusations brought by UNT's Enrique Marquez.

18. (C) The misuse of mandatory television broadcasts, known as "cadenas," by President Chavez also remains a problem. Although it is an executive privilege that is widespread in Latin America, in other countries it is normally only used during security or emergency situations. In the two weeks before the 2006 elections, Chavez held five cadena broadcasts for political purposes. With over a month to go until the November 2008 elections, the President agreed to the CNE's request to halt his weekly "Alo, Presidente" TV broadcast, but has used cadenas almost daily to "inspect public works" or to highlight "government success stories," while simultaneously stumping for his PSUV gubernatorial and mayoral candidates. The CNE recently declined to investigate opposition charges that the Venezuelan president has committed election violations.

CAMPAIGN FINANCING OPAQUE

19. (C) The OAS mission recommended more rigorous campaign financing oversight, which has gone unheeded. There is virtually no independent auditing of financing, and when asked about how they fund their campaigns, many candidates vaguely refer to small donations from their friends. State resources have been misused to benefit PSUV campaigns, including using state-owned vehicles to bus participants to political rallies and to put up campaign material. Opposition governors and mayors, particularly Zulia governor Manuel Rosales, are also tapping into government funds to support partisan opposition party efforts and campaigns. Local pundits also report that contractors traditionally are the biggest donors to mayoral campaigns in the expectation that they will be granted lucrative municipal contracts by the winners.

LEGAL INCONGRUITIES CONFUSE PROCESS

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10. (C) The EU mission assessed that although Venezuelan legislation clearly provides for democratic elections, the legal framework has been confused by provisions introduced in the 1999 Constitution. The CNE never approved the general electoral regulation, which should govern the specific voting procedures, including candidate registration, audit procedures, tallying, adjudication, proclamation, and international observation. Similarly, the National Assembly has not passed new legislation to replace the temporary statute passed in 1998 that was intended to only regulate the 2000 elections. Since the statute was drafted before the adoption of the new Constitution, the two do not always agree. As a result, the task of resolving discrepancies has fallen to the CNE, giving it broad regulatory powers and drawing criticism from the opposition that the electoral body is abusing its authority. Both reports acknowledged that the CNE is widely perceived as biased in favor of the government. The then-provisional CNE steering board was replaced following the 2006 elections, but four of the CNE's five rectors are widely perceived as unconditionally pro-government.

COMMENT

¶11. (C) Although the GBRV has not addressed key recommendations by the EU and OAS to improve its electoral process, opposition parties are reluctant to be too outspoken on lingering issues. Opposition party leaders fear that too much emphasis on potential voting problems will only encourage voter abstentionism. This is the first election since 2004 in which no major political party or opposition leaders are advocating abstention. Moreover, voter confidence in the CNE increased in the wake of the CNE's certification of the defeat of President Chavez's constitutional reform package in the December 2007 referendum. Nevertheless, GBRV inaction has helped maintain an uneven electoral playing field in which the GBRV, including the ostensibly autonomous CNE, makes virtually no distinction between itself and the PSUV. End Comment.

CAULFIELD